

FILED '08 NOV 03 14:17 USDC-ORP

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DAVID CLARK,

Plaintiff,

CV 03-1173-MA

v.

ORDER

MICHAEL J. ASTRUE,  
Commissioner of  
Social Security,

Defendant.

Attorney fees in the amount of \$12,274.00 are hereby awarded to plaintiff's attorney pursuant to 42 U.S.C. §406(b). The court finds this is a reasonable fee. Previously, this court awarded \$5,600.00 pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412. When issuing the §406(b) check, the agency is directed to subtract the amount previously awarded under the EAJA, and to send to plaintiff's attorney, Tim Wilborn, at his current address, P.O. Box 2768, Oregon City, OR 97045, the

balance of \$6,674.00, minus any user fee. Any amount withheld (including the EAJA fee offset) after all administrative and court attorneys fees are paid should be released to the claimant.

IT IS SO ORDERED.

DATED this 3 day of November, 2008.

A handwritten signature in cursive script, reading "Malcolm F. Marsh", is written over a horizontal line.

Malcolm F. Marsh  
United States District Judge